

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rodolfo RAMIREZ-Ramirez,

Defendant

Magistrate Docket No.

'08 MJ 1313

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

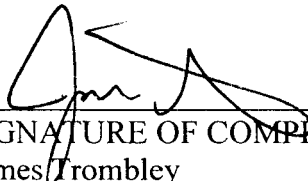
FILED  
2008 APR 28 PM 12:16

KAT DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **April 26, 2008** within the Southern District of California, defendant, **Rodolfo RAMIREZ-Ramirez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28<sup>th</sup> DAY OF APRIL 2008

  
\_\_\_\_\_  
Nita L. Stormes  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Rodolfo RAMIREZ-Ramirez****PROBABLE CAUSE STATEMENT**

On April 26, 2008, at approximately 4:30 PM, Senior Patrol Agent V. Arguello was performing line watch duties in an area known as "19th Street." This area is approximately four miles west of the San Ysidro, California Port of Entry, and 600 yards north of the United States/Mexico International Boundary.

Agent Arguello observed an individual riding a bicycle northbound from a dead end road. As Agent Arguello approached the individual he could see that he was covered in grass and dirt. Agent Arguello identified himself as a United States Border Patrol Agent and performed an immigration inspection. The subject later identified as the defendant **Rodolfo RAMIREZ-Ramirez**, claimed to have immigration documents but admitted to being born in Mexico. The defendant stated that he did not remember when he entered the United States and that he did not have any identification other than a YMCA membership card. Because of the proximity to the border, admitting that he was born in Mexico and no proof of identification, the defendant was detained and transported to the Imperial Beach Border Patrol Station for immigration checks.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 3, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.